

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

03-CR-6122

04-CR-6072

ORDER

RICHARD VELTRE,

Defendant.

Defendant Richard Veltre, who was sentenced by this court on July 8, 2004, to a term of 51 months imprisonment pursuant to his plea of guilty to a charge of unlawful possession of a weapon by a felon, petitions this court to amend information contained in his presentence investigation report on grounds that some of the information contained therein is incorrect. Specifically, the defendant contends that a summary of information regarding the circumstances of an arrest in Florida is incorrect and should not have been included in the report because those facts were never proven in a court of law. He claims that he has received unfavorable treatment in prison because of the erroneous information, including being denied certain privileges.

Defendant's motion is denied. Under the Federal Rules of Criminal Procedure, a defendant has 14 days from the receipt of a presentence investigation report to object to its contents. Fed. R. Crim. P. 32(f). In this case, the presentence report was filed on June 18, 2004, and therefore, objections to the report would have been due on or before Friday, July 2, 2004. Indeed, the defendant,

through his attorney, did file timely objections to the presentence report, but did not object to the factual summary of the Florida arrest and prosecution. Because the defendant had an opportunity to object to the summary of the information regarding the Florida arrest and prosecution, but did not do so in a timely manner, I deny his request to amend the presentence report. The time to object to the presentence report has long since passed, and the defendant may not raise a new objection to the report 18 months after the report was filed, and 15 months after his conviction became final.¹ Accordingly, defendant's motion to amend the presentence report is denied.

ALL OF THE ABOVE IS SO ORDERED.

S/ Michael A. Telesca

MICHAEL A. TELESCA

United States District Judge

Dated: March 16, 2006
Rochester, New York

¹ Defendant's Conviction became final on August 13, 2004, ten business days after an Amended Judgment of Conviction was entered against him on July 30, 2004. Defendant did not appeal his conviction, nor did he file a collateral attack within the one-year limitations period for filing such an attack.